HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE

WRIT PETITION No.2147 OF 2005

Between:

Keerti Veera Swamy and 11 others

… Petitioners

AND

The Deputy Secretary to Govt., of India,
Ministry of Home Affairs, Freedom Fighters Division,
1st Floor, Loknayak Bhavan, New Delhi and three others

… Respondents

:: O R D E R ::

Counsel for the petitioner : Shri K. Sesharajyam

Counsel for respondent Nos.1 to 3 : Shri M. Ramalingeswara Reddy, Central Government Standing Counsel

Counsel for respondent No.4 : Government Pleader for Revenue

March 21, 2007

This is a petition for issue of a mandamus to the respondents to sanction pension to the petitioners under Swatantrata Sainik Samman

Pension Scheme, 1980 (for short, 'the Scheme').

In the affidavit filed by him, Sri Keerti Veera Swamy (petitioner No.1) has averred that all the petitioners had taken part in the freedom struggle launched against the Government of the erstwhile State of Hyderabad and they remained underground for different durations. The deponent has further averred that the petitioners applied for grant of pension and their cases were recommended by the State Government, but respondent No.1 has not sanctioned pension to them.

In the counter affidavit filed by him, Shri S.D. Kaushik, Under Secretary in the Ministry of Home Affairs has given the background of the claim made by the petitioners and others, who are said to have taken part in Hyderabad Liberation Movement and averred that the petitioners are not entitled to pension because their cases have not been forwarded by the State Government. In paragraph 38 of his affidavit, Shri S.D. Kaushik has averred as under:

> "That the petitioner have not claimed that their cases were at any stage sent with the recommendation/verification of the State Government. In absence of the same, it is not possible to consider their claim for grant of samman pension. The petitioners have also not indicated details of furnishing their applications, so it cannot e checked whether the same are pending in this Ministry. However, this respondent is willing to consider their claim, as per law on merit, as per provisions of the Scheme on receipt of their applications with requisite supporting documents and verification and entitlement to pension report of the State Government".

Learned Central Government Standing Counsel reiterated the averments contained in the above reproduced paragraph of Shri S.D. Kaushik and submitted that the cases of the petitioners will be considered if the same are recommended by the State Government.

Learned Government Pleader for Revenue says that some of

the petitioners appeared before District Collector, Khammam on 16-9-2006, but they did not produce documents supporting their claim for grant of pension under the 1980 Scheme. He then stated that due to the petitioners' failure to submit the requisite documents, the Government of Andhra Pradesh has sent communication dated 20-1-2007 to the Government of India recommending rejection of their cases. However, in reply to the Court's query, the learned Government Pleader fairly stated that even now the State Government is willing to re-consider the petitioners' cases and make appropriate recommendations to the Government of India if they produce some tangible evidence to support their cause.

In view of the statements made by the learned counsel for the respondents, the writ petition is disposed of with the following directions:

1) Within six weeks from today, the petitioners shall submit substantive evidence supporting their claim for grant of pension under the 1980 Scheme.

2) Within next six weeks, the Government of Andhra Pradesh shall, after making necessary enquiry, submit its recommendations to the Government of India.

3) If the Government of Andhra Pradesh recommends the cases of the petitioners, then the concerned authority of the Government of India shall scrutinize the same and take appropriate decision within two months from the date of receipt of communication from the Government of Andhra Pradesh.

4) If the petitioners fail to submit the requisite

documents within six weeks from today, the Government of Andhra Pradesh shall be free to close their cases for all times to come.

G.S.SINGHVI, CJ

March 21, 2007

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